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U.S. BANK NATIONAL ASSOCIATION

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Cynthia Duncan,

Plaintiff,

v.

Experian Information Solutions, Inc.,
Equifax Information Services, LLC,
TransUnion, LLC, Barclays Bank
Delaware, Capital One, N.A., U.S.
Bank, N.A., American First Finance,
LLC

Defendants.

Case No. 8:24-cv-01970-AH-JDE

Hon. Judge Anne Hwang
Magistrate Judge John D. Early

**DEFENDANT U.S. BANK'S
ANSWER TO PLAINTIFF'S
COMPLAINT FOR DAMAGES**

Complaint Filed: September 12, 2024

Trial: TBD

Defendant U.S. Bank National Association ("U.S. Bank"), now answers the Complaint for Damages ("Complaint") filed by plaintiff, Cynthia Duncan ("Plaintiff") as follows:

Except as expressly admitted or qualified below, U.S. Bank denies each and every allegation of the Complaint.

INTRODUCTION

1
2 1. Answering paragraph 1, U.S. Bank admits that Plaintiff alleges claims
3 based on the Fair Credit Reporting Act (“FCRA”). U.S. Bank denies it violated the
4 FCRA.

5 2. Answering paragraph 2, U.S. Bank denies the allegations. To the
6 extent that the allegations concern another Defendant, U.S. Bank lacks information
7 or knowledge sufficient to form a belief as to the truth of the allegations and
8 therefore denies them.

9 3. Answering paragraph 3, including subpart 3d, U.S. Bank lacks
10 information or knowledge sufficient to form a belief as to the truth of the
11 allegations and therefore denies them. Because the remaining allegations in
12 subparts 3a–3c and 3e concern another Defendant¹, U.S. Bank lacks information or
13 knowledge sufficient to form a belief as to the truth of the allegations and therefore
14 denies them.

15 4. Answering paragraph 4, U.S. Bank lacks information or knowledge
16 sufficient to form a belief as to the truth of the allegations and therefore denies
17 them. To the extent that the allegations concern another Defendant, U.S. Bank lacks
18 information or knowledge sufficient to form a belief as to the truth of the
19 allegations and therefore denies them.

20 5. Answering paragraph 5, U.S. Bank lacks information or knowledge
21 sufficient to form a belief as to the truth of the allegations and therefore denies
22 them.

23 6. Answering paragraph 6, U.S. Bank lacks information or knowledge
24 sufficient to form a belief as to the truth of the allegations and therefore denies
25 them.

26
27
28 ¹ Plaintiff’s Complaint repeatedly alleges violations against Citi but does not name
Citi as a Defendant in the caption.

1 7. Answering paragraph 7, U.S. Bank lacks information or knowledge
2 sufficient to form a belief as to the truth of the allegations and therefore denies
3 them.

4 8. Answering paragraph 8, because U.S. Bank does not know if Plaintiff
5 intends to refer or cite to an unidentified statute or law in her allegations in
6 paragraph 8, U.S. Bank lacks information or knowledge sufficient to form a belief
7 as to the truth of the allegations and therefore denies them.

8 **JURISDICTION & VENUE**

9 9. U.S. Bank incorporates herein by reference the answers in each and
10 every paragraph above as fully set forth herein.

11 10. Answering paragraph 10, U.S. Bank admits that jurisdiction in this
12 Court is proper without waiving its right to compel arbitration pursuant to
13 Plaintiff's U.S. Bank card account agreement.

14 11. Answering paragraph 11, U.S. Bank lacks information or knowledge
15 sufficient to form a belief as to the truth of the allegations and therefore denies
16 them.

17 **GENERAL ALLEGATIONS**

18 12. Answering paragraph 12, U.S. Bank denies the allegations. To the
19 extent that the allegations concern another Defendant, U.S. Bank lacks information
20 or knowledge sufficient to form a belief as to the truth of the allegations and
21 therefore denies them.

22 13. Answering paragraph 13, U.S. Bank denies the allegations. To the
23 extent that the allegations concern another Defendant, U.S. Bank lacks information
24 or knowledge sufficient to form a belief as to the truth of the allegations and
25 therefore denies them.

26 **FICO, Inc.**

27 14. Answering paragraph 14, U.S. Bank lacks information or knowledge
28 sufficient to form a belief as to the truth of the allegations and therefore denies

1 them.

2 15. Answering paragraph 15, U.S. Bank lacks information or knowledge
3 sufficient to form a belief as to the truth of the allegations and therefore denies
4 them.

5 16. Answering paragraph 16, U.S. Bank lacks information or knowledge
6 sufficient to form a belief as to the truth of the allegations and therefore denies
7 them.

8 17. Answering paragraph 17, U.S. Bank lacks information or knowledge
9 sufficient to form a belief as to the truth of the allegations and therefore denies
10 them.

11 18. Answering paragraph 18, U.S. Bank lacks information or knowledge
12 sufficient to form a belief as to the truth of the allegations and therefore denies
13 them.

14 19. Answering paragraph 19, U.S. Bank lacks information or knowledge
15 sufficient to form a belief as to the truth of the allegations and therefore denies
16 them.

17 20. Answering paragraph 20, U.S. Bank lacks information or knowledge
18 sufficient to form a belief as to the truth of the allegations and therefore denies
19 them.

20 21. Answering paragraph 21, U.S. Bank lacks information or knowledge
21 sufficient to form a belief as to the truth of the allegations and therefore denies
22 them. To the extent that the allegations concern another Defendant, U.S. Bank lacks
23 information or knowledge sufficient to form a belief as to the truth of the
24 allegations and therefore denies them.

25 22. Answering paragraph 22, because the allegations concern another
26 Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as
27 to the truth of the allegations and therefore denies them.

28 23. Answering paragraph 23, U.S. Bank lacks information or knowledge

1 sufficient to form a belief as to the truth of the allegations and therefore denies
2 them. To the extent that the allegations concern another Defendant, U.S. Bank lacks
3 information or knowledge sufficient to form a belief as to the truth of the
4 allegations and therefore denies them.

5 24. Answering paragraph 24, U.S. Bank lacks information or knowledge
6 sufficient to form a belief as to the truth of the allegations and therefore denies
7 them.

8 25. Answering paragraph 25, U.S. Bank lacks information or knowledge
9 sufficient to form a belief as to the truth of the allegations and therefore denies
10 them.

11 26. Answering paragraph 26, U.S. Bank lacks information or knowledge
12 sufficient to form a belief as to the truth of the allegations and therefore denies
13 them.

14 27. Answering paragraph 27, U.S. Bank lacks information or knowledge
15 sufficient to form a belief as to the truth of the allegations and therefore denies
16 them.

17 28. Answering paragraph 28, U.S. Bank lacks information or knowledge
18 sufficient to form a belief as to the truth of the allegations and therefore denies
19 them.

20 29. Answering paragraph 29, U.S. Bank lacks information or knowledge
21 sufficient to form a belief as to the truth of the allegations and therefore denies
22 them.

23 30. Answering paragraph 30, U.S. Bank lacks information or knowledge
24 sufficient to form a belief as to the truth of the allegations and therefore denies
25 them.

26 31. Answering paragraph 31, U.S. Bank lacks information or knowledge
27 sufficient to form a belief as to the truth of the allegations and therefore denies
28 them.

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32. Answering paragraph 32, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them.

33. Answering paragraph 33, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them.

34. Answering paragraph 34, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them.

35. Answering paragraph 35, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them.

36. Answering paragraph 36, including subparts a. through g., U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them. To the extent that the allegations concern another Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them.

37. Answering paragraph 37, because the allegations concern another Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them.

38. Answering paragraph 38, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them.

39. Answering paragraph 39, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them.

40. Answering paragraph 40, because the allegations concern another

1 Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as
2 to the truth of the allegations and therefore denies them.

3 41. Answering paragraph 41, U.S. Bank lacks information or knowledge
4 sufficient to form a belief as to the truth of the allegations and therefore denies
5 them.

6 42. Answering paragraph 42, U.S. Bank lacks information or knowledge
7 sufficient to form a belief as to the truth of the allegations and therefore denies
8 them.

9 43. Answering paragraph 43, U.S. Bank lacks information or knowledge
10 sufficient to form a belief as to the truth of the allegations and therefore denies
11 them.

12 44. Answering paragraph 44, U.S. Bank lacks information or knowledge
13 sufficient to form a belief as to the truth of the allegations and therefore denies
14 them.

15 **Consumer Information Indicator**

16 45. Answering paragraph 45, U.S. Bank lacks information or knowledge
17 sufficient to form a belief as to the truth of the allegations and therefore denies
18 them.

19 46. Answering paragraph 46, U.S. Bank lacks information or knowledge
20 sufficient to form a belief as to the truth of the allegations and therefore denies
21 them.

22 47. Answering paragraph 47, U.S. Bank lacks information or knowledge
23 sufficient to form a belief as to the truth of the allegations and therefore denies
24 them.

25 48. Answering paragraph 48, U.S. Bank lacks information or knowledge
26 sufficient to form a belief as to the truth of the allegations and therefore denies
27 them.

28 49. Answering paragraph 49, U.S. Bank lacks information or knowledge

1 sufficient to form a belief as to the truth of the allegations and therefore denies
2 them.

3 50. Answering paragraph 50, U.S. Bank lacks information or knowledge
4 sufficient to form a belief as to the truth of the allegations and therefore denies
5 them.

6 51. Answering paragraph 51, U.S. Bank lacks information or knowledge
7 sufficient to form a belief as to the truth of the allegations and therefore denies
8 them.

9 52. Answering paragraph 52, U.S. Bank lacks information or knowledge
10 sufficient to form a belief as to the truth of the allegations and therefore denies
11 them.

12 53. Answering paragraph 53, U.S. Bank lacks information or knowledge
13 sufficient to form a belief as to the truth of the allegations and therefore denies
14 them.

15 54. Answering paragraph 54, U.S. Bank lacks information or knowledge
16 sufficient to form a belief as to the truth of the allegations and therefore denies
17 them.

18 55. Answering paragraph 55, U.S. Bank lacks information or knowledge
19 sufficient to form a belief as to the truth of the allegations and therefore denies
20 them.

21 **Plaintiff's Bankruptcy**

22 56. Answering paragraph 56, U.S. Bank lacks information or knowledge
23 sufficient to form a belief as to the truth of the allegations and therefore denies
24 them.

25 57. Answering paragraph 57, U.S. Bank lacks information or knowledge
26 sufficient to form a belief as to the truth of the allegations and therefore denies
27 them.

28 58. Answering paragraph 58, U.S. Bank denies the allegations.

59. Answering paragraph 59, because the allegations concern another Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them.

Plaintiff's Credit Report

60. Answering paragraph 60, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them.

61. Answering paragraph 61, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them. To the extent that the allegations concern another Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them.

62. Answering paragraph 62, including subpart 62d, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them. Because the allegations in subparts 62a–62c and 62e concern another Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them.

63. Answering paragraph 63, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them. To the extent that the allegations concern another Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them.

64. Answering paragraph 64, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them.

65. Answering paragraph 65, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies

1 them. To the extent that the allegations concern another Defendant, U.S. Bank lacks
2 information or knowledge sufficient to form a belief as to the truth of the
3 allegations and therefore denies them.

4 66. Answering paragraph 66, U.S. Bank lacks information or knowledge
5 sufficient to form a belief as to the truth of the allegations and therefore denies
6 them.

7 67. Answering paragraph 67, U.S. Bank lacks information or knowledge
8 sufficient to form a belief as to the truth of the allegations and therefore denies
9 them. To the extent that the allegations concern another Defendant, U.S. Bank lacks
10 information or knowledge sufficient to form a belief as to the truth of the
11 allegations and therefore denies them.

12 **Damages**

13 68. Answering paragraph 68, U.S. Bank denies the allegations and denies
14 it violated the FCRA. To the extent that the allegations concern another Defendant,
15 U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth
16 of the allegations and therefore denies them.

17 69. Answering paragraph 69, U.S. Bank denies the allegations and denies
18 it violated the FCRA. To the extent that the allegations concern another Defendant,
19 U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth
20 of the allegations and therefore denies them.

21 70. Answering paragraph 70, U.S. Bank denies the allegations that
22 Plaintiff has been harmed by U.S. Bank and denies it violated the FCRA. U.S. Bank
23 lacks information or knowledge sufficient to form a belief as to the truth of the
24 allegations that Plaintiff's credit reports have been disseminated to various third-
25 party lenders and therefore denies the allegations. To the extent that the allegations
26 concern another Defendant, U.S. Bank lacks information or knowledge sufficient to
27 form a belief as to the truth of the allegations and therefore denies them.

28 71. Answering paragraph 71, U.S. Bank denies the allegations and denies

1 it violated the FCRA. To the extent that the allegations concern another Defendant,
2 U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth
3 of the allegations and therefore denies them.

4 72. Answering paragraph 72, U.S. Bank denies the allegations and denies
5 it violated the FCRA. To the extent that the allegations concern another Defendant,
6 U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth
7 of the allegations and therefore denies them.

8 **FIRST CAUSE OF ACTION**

9 (Violation of Fair Credit Reporting Act, 15 U.S.C. § 1681e(b))
10 (Against Defendants)

11 **Experian, Equifax, and TransUnion – Failure to Assure
12 Credit Reporting Accuracy**

13 73. U.S. Bank incorporates herein its answers in each and every paragraph
14 above as though fully set forth herein.

15 74. Answering paragraph 74, because the allegations concern another
16 Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as
17 to the truth of the allegations and therefore denies them.

18 75. Answering paragraph 75, U.S. Bank lacks information or knowledge
19 sufficient to form a belief as to the truth of the allegations and therefore denies
20 them. To the extent that the allegations concern another Defendant, U.S. Bank lacks
21 information or knowledge sufficient to form a belief as to the truth of the
22 allegations and therefore denies them.

23 76. Answering paragraph 76, U.S. Bank lacks information or knowledge
24 sufficient to form a belief as to the truth of the allegations and therefore denies
25 them. To the extent that the allegations concern another Defendant, U.S. Bank lacks
26 information or knowledge sufficient to form a belief as to the truth of the
27 allegations and therefore denies them.

28 77. Answering paragraph 77, U.S. Bank lacks information or knowledge
sufficient to form a belief as to the truth of the allegations and therefore denies

1 them. To the extent that the allegations concern another Defendant, U.S. Bank lacks
2 information or knowledge sufficient to form a belief as to the truth of the
3 allegations and therefore denies them.

4 78. Answering paragraph 78, because the allegations concern another
5 Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as
6 to the truth of the allegations and therefore denies them.

7 79. Answering paragraph 79, U.S. Bank lacks information or knowledge
8 sufficient to form a belief as to the truth of the allegations and therefore denies
9 them. To the extent that the allegations concern another Defendant, U.S. Bank lacks
10 information or knowledge sufficient to form a belief as to the truth of the
11 allegations and therefore denies them.

12 **Willfulness**

13 80. Answering paragraph 80, U.S. Bank lacks information or knowledge
14 sufficient to form a belief as to the truth of the allegations and therefore denies
15 them. To the extent that the allegations concern another Defendant, U.S. Bank lacks
16 information or knowledge sufficient to form a belief as to the truth of the
17 allegations and therefore denies them.

18 81. Answering paragraph 81, U.S. Bank lacks information or knowledge
19 sufficient to form a belief as to the truth of the allegations and therefore denies
20 them.

21 82. Answering paragraph 82, U.S. Bank lacks information or knowledge
22 sufficient to form a belief as to the truth of the allegations and therefore denies
23 them.

24 83. Answering paragraph 83, U.S. Bank lacks information or knowledge
25 sufficient to form a belief as to the truth of the allegations and therefore denies
26 them. To the extent that the allegations concern another Defendant, U.S. Bank lacks
27 information or knowledge sufficient to form a belief as to the truth of the
28 allegations and therefore denies them.

1 84. Answering paragraph 84, U.S. Bank lacks information or knowledge
2 sufficient to form a belief as to the truth of the allegations and therefore denies
3 them. To the extent that the allegations concern another Defendant, U.S. Bank lacks
4 information or knowledge sufficient to form a belief as to the truth of the
5 allegations and therefore denies them.

6 85. Answering paragraph 85, U.S. Bank lacks information or knowledge
7 sufficient to form a belief as to the truth of the allegations and therefore denies
8 them. To the extent that the allegations concern another Defendant, U.S. Bank lacks
9 information or knowledge sufficient to form a belief as to the truth of the
10 allegations and therefore denies them.

11 86. Answering paragraph 86, the allegations cite cases, which speak for
12 themselves. To the extent that the allegations purport to allege allegations
13 inconsistent with the cited cases, U.S. Bank denies the allegations. U.S. Bank lacks
14 information or knowledge sufficient to form a belief as to the truth of the remaining
15 allegations and therefore denies them. To the extent that the allegations concern
16 another Defendant, U.S. Bank lacks information or knowledge sufficient to form a
17 belief as to the truth of the allegations and therefore denies them.

18 87. Answering paragraph 87, because the allegations concern another
19 Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as
20 to the truth of the allegations and therefore denies them.

21 88. Answering paragraph 88, because the allegations concern another
22 Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as
23 to the truth of the allegations and therefore denies them.

24 89. Answering paragraph 89, U.S. Bank denies the allegations and denies
25 it violated the FCRA. To the extent that the allegations concern another Defendant,
26 U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth
27 of the allegations and therefore denies them.

28 90. Answering paragraph 90, U.S. Bank lacks information or knowledge

1 sufficient to form a belief as to the truth of the allegations and therefore denies
2 them. U.S. Bank denies it violated the FCRA. To the extent that the allegations
3 concern another Defendant, U.S. Bank lacks information or knowledge sufficient to
4 form a belief as to the truth of the allegations and therefore denies them.

5 91. Answering paragraph 91, because the allegations concern another
6 Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as
7 to the truth of the allegations and therefore denies them. U.S. Bank further denies
8 that Plaintiff is entitled to any judgment, damages, relief, and/or award from U.S.
9 Bank.

10 92. Answering paragraph 92, because the allegations concern another
11 Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as
12 to the truth of the allegations and therefore denies them. U.S. Bank further denies
13 that Plaintiff is entitled to any judgment, damages, relief, and/or award from U.S.
14 Bank.

15 93. Answering paragraph 93, because the allegations concern another
16 Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as
17 to the truth of the allegations and therefore denies them. U.S. Bank further denies
18 that Plaintiff is entitled to any judgment, damages, relief, and/or award from U.S.
19 Bank.

20 **SECOND CAUSE OF ACTION**

21 (Violation of Fair Credit Reporting Act, 15 U.S.C. § 1681s-2(b))
22 (Against Defendants Barclays, Capital One, Citi, U.S. Bank, and American First)

23 **Barclays, Capital One, Citi, U.S. Bank, and American First – Failure to
24 Reinvestigate**

25 94. U.S. Bank incorporates herein its answers in each and every paragraph
26 above as though fully set forth herein.

27 95. Answering paragraph 95, the allegations call for legal conclusions,
28 which require no response. To the extent that a response is required, U.S. Bank
states that the FCRA speaks for itself. To the extent that the allegations purport to

1 allege allegations inconsistent with the FCRA, U.S. Bank denies the allegations.

2 96. Answering paragraph 96, U.S. Bank denies the allegations. To the
3 extent that the allegations concern another Defendant, U.S. Bank lacks information
4 or knowledge sufficient to form a belief as to the truth of the allegations and
5 therefore denies them.

6 97. Answering paragraph 97, U.S. Bank denies the allegations. To the
7 extent that the allegations concern another Defendant, U.S. Bank lacks information
8 or knowledge sufficient to form a belief as to the truth of the allegations and
9 therefore denies them.

10 98. Answering paragraph 98, U.S. Bank lacks information or knowledge
11 sufficient to form a belief as to the truth of the allegations and therefore denies
12 them. To the extent that the allegations concern another Defendant, U.S. Bank lacks
13 information or knowledge sufficient to form a belief as to the truth of the
14 allegations and therefore denies them.

15 99. Answering paragraph 99, U.S. Bank lacks information or knowledge
16 sufficient to form a belief as to the truth of the allegations and therefore denies
17 them.

18 100. Answering paragraph 100, U.S. Bank denies the allegations. U.S. Bank
19 further denies it violated the FCRA. To the extent that the allegations concern
20 another Defendant, U.S. Bank lacks information or knowledge sufficient to form a
21 belief as to the truth of the allegations and therefore denies them.

22 101. Answering paragraph 101, U.S. Bank denies the allegations. U.S. Bank
23 further denies it violated the FCRA. To the extent that the allegations concern
24 another Defendant, U.S. Bank lacks information or knowledge sufficient to form a
25 belief as to the truth of the allegations and therefore denies them.

26 102. Answering paragraph 102, U.S. Bank lacks information or knowledge
27 sufficient to form a belief as to the truth of the allegations and therefore denies
28 them. U.S. Bank further denies it violated the FCRA.

1 103. Answering paragraph 103, U.S. Bank lacks information or knowledge
2 sufficient to form a belief as to the truth of the allegations and therefore denies
3 them. U.S. Bank further denies it failed to conduct a reasonable investigation and
4 denies it violated the FCRA. To the extent that the allegations concern another
5 Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as
6 to the truth of the allegations and therefore denies them.

7 104. Answering paragraph 104, U.S. Bank lacks information or knowledge
8 sufficient to form a belief as to the truth of the allegations and therefore denies
9 them. U.S. Bank further denies it violated the FCRA.

10 105. Answering paragraph 105, U.S. Bank denies the allegations. To the
11 extent that the allegations concern another Defendant, U.S. Bank lacks information
12 or knowledge sufficient to form a belief as to the truth of the allegations and
13 therefore denies them.

14 **Experian, Equifax, and TransUnion – Failure to Reinvestigate Disputed**
15 **Information**

16 106. U.S. Bank incorporates herein its answers in each and every paragraph
17 above as though fully set forth herein.

18 107. Answering paragraph 107, because the allegations concern another
19 Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as
20 to the truth of the allegations and therefore denies them.

21 108. Answering paragraph 108, U.S. Bank lacks information or knowledge
22 sufficient to form a belief as to the truth of the allegations and therefore denies
23 them. To the extent that the allegations concern another Defendant, U.S. Bank lacks
24 information or knowledge sufficient to form a belief as to the truth of the
25 allegations and therefore denies them.

26 109. Answering paragraph 109, U.S. Bank lacks information or knowledge
27 sufficient to form a belief as to the truth of the allegations and therefore denies
28 them. To the extent that the allegations concern another Defendant, U.S. Bank lacks

1 information or knowledge sufficient to form a belief as to the truth of the
2 allegations and therefore denies them.

3 110. Answering paragraph 110, because the allegations concern another
4 Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as
5 to the truth of the allegations and therefore denies them.

6 111. Answering paragraph 111, because the allegations concern another
7 Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as
8 to the truth of the allegations and therefore denies them. U.S. Bank denies any
9 remaining allegations in paragraph 111.

10 112. Answering paragraph 112, U.S. Bank lacks information or knowledge
11 sufficient to form a belief as to the truth of the allegations and therefore denies
12 them. To the extent that the allegations concern another Defendant, U.S. Bank lacks
13 information or knowledge sufficient to form a belief as to the truth of the
14 allegations and therefore denies them.

15 113. Answering paragraph 113, U.S. Bank lacks information or knowledge
16 sufficient to form a belief as to the truth of the allegations and therefore denies
17 them. To the extent that the allegations concern another Defendant, U.S. Bank lacks
18 information or knowledge sufficient to form a belief as to the truth of the
19 allegations and therefore denies them.

20 114. Answering paragraph 114, because the allegations concern another
21 Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as
22 to the truth of the allegations and therefore denies them.

23 115. Answering paragraph 115, because the allegations concern another
24 Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as
25 to the truth of the allegations and therefore denies them.

26 116. Answering paragraph 116, U.S. Bank lacks information or knowledge
27 sufficient to form a belief as to the truth of the allegations and therefore denies
28 them.

THIRD CAUSE OF ACTION

(Violation of Fair Credit Reporting Act 15 U.S.C. § 1681i(a)(4))
(Against Defendants Experian, Equifax, and TransUnion)

**Experian, Equifax, and TransUnion – Failure to Review and Consider All
Relevant Information**

117. U.S. Bank incorporates herein its answers in each and every paragraph above as though fully set forth herein.

118. Answering paragraph 118, because the allegations concern another Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them.

119. Answering paragraph 119, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them. To the extent that the allegations concern another Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them.

120. Answering paragraph 120, U.S. Bank denies the allegations. U.S. Bank further denies that Plaintiff is entitled to any judgment, damages, relief, and/or award from U.S. Bank. To the extent that the allegations concern another Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them.

121. Answering paragraph 121, because the allegations concern another Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them. U.S. Bank denies that Plaintiff is entitled to any judgment, damages, relief, and/or award from U.S. Bank.

122. Answering paragraph 122, because the allegations concern another Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them. U.S. Bank denies that Plaintiff is entitled to any judgment, damages, relief, and/or award from U.S. Bank.

FOURTH CAUSE OF ACTION

(Violation of Fair Credit Reporting Act, 15 U.S.C. § 1681i(a)(5)(A))
(Against Defendants Experian, Equifax, TransUnion)

**Experian, Equifax, and TransUnion – Failure to Delete Disputed and
Inaccurate Information**

123. U.S. Bank incorporates herein its answers in each and every paragraph above as though fully set forth herein.

124. Answering paragraph 124, the allegations call for legal conclusions, which require no response. To the extent that a response is required, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them. To the extent that the allegations concern another Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them.

125. Answering paragraph 125, because the allegations concerning another Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them. U.S. Bank further denies that Plaintiff is entitled to any judgment, damages, relief, and/or award from U.S. Bank.

126. Answering paragraph 126, because the allegations concern another Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them. U.S. Bank further denies that Plaintiff is entitled to any judgment, damages, relief, and/or award from U.S. Bank.

127. Answering paragraph 127, because the allegations concern another Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as to the truth of the allegations and therefore denies them. U.S. Bank further denies that Plaintiff is entitled to any judgment, damages, relief, and/or award from U.S. Bank.

1 128. Answering paragraph 128, because the allegations concern another
2 Defendant, U.S. Bank lacks information or knowledge sufficient to form a belief as
3 to the truth of the allegations and therefore denies them. U.S. Bank further denies
4 that Plaintiff is entitled to any judgment, damages, relief, and/or award from U.S.
5 Bank.

6 **DEMAND FOR JURY TRIAL**

7 U.S. Bank admits that Plaintiff demands a trial by jury. U.S. Bank denies it
8 violated the FCRA. U.S. Bank further denies Plaintiff is entitled to any judgment,
9 damages, relief and/or award from U.S. Bank.

10 **PRAYER FOR RELIEF**

11 U.S. Bank denies it violated the FCRA. U.S. Bank further denies that
12 Plaintiff is entitled to any judgment, damages, relief and/or award from U.S. Bank.

13 **AFFIRMATIVE DEFENSES**

14 Having answered the Complaint, U.S. Bank asserts the following affirmative
15 defenses, which are pleaded in the alternative:

16 1. Plaintiff has failed, in whole or in part, to state a claim upon which
17 relief may be granted.

18 2. Plaintiff failed to mitigate her damages, if any.

19 3. Plaintiff's damages, if any, were caused by the actions and/or inaction
20 of other parties or third parties and/or intervening causes over which U.S. Bank has
21 no control.

22 4. U.S. Bank acted at all times in compliance with the FCRA, 15 U.S.C.
23 § 1681, *et seq.*, and it is entitled to each and every defense stated in the Act and any
24 and all limitations of liability.

25 5. U.S. Bank acted reasonably and in good faith at all material times
26 based on all relevant facts and circumstances known by it at the time it so acted.

27 6. Plaintiff is estopped from recovering from U.S. Bank.
28

7. Plaintiff's Complaint seeks punitive damages. U.S. Bank adopts all defenses, criteria, limitations, standards, and constitutional protections mandated or provided by the United States Supreme Court.

8. U.S. Bank pleads and asserts all applicable constitutional, statutory, and common law limitations on punitive damages.

9. Plaintiff's claim for punitive damages is barred or limited by the provisions of 15 U.S.C. § 1681n.

10. Plaintiff's claim that U.S. Bank committed willful violations of the FCRA is barred, in part, by the principles articulated in *Safeco Ins. Co. v. Burr*, 551 U.S. 47 (2007).

11. As a result of this litigation, U.S. Bank was required to retain the undersigned counsel, to whom it is obligated to pay a reasonable fee, for which U.S. Bank is entitled to recovery pursuant to 15 U.S.C. §§ 1681n(c) and 1681o(b).

12. U.S. Bank reserves the right to supplement its affirmative defenses as it continues with its factual investigation of Plaintiff's claims.

Reservation of Rights

13. U.S. Bank incorporates by reference the foregoing allegations of its Affirmative Defenses.

14. U.S. Bank presently has insufficient knowledge or information on which to form a belief as to whether it may have additional, as yet unstated, affirmative defenses available. U.S. Bank expressly reserves the right to allege and assert any additional and/or further defenses as may be appropriate as this action proceeds.

Wherefore, U.S. Bank respectfully requests that the Court:

a. Dismiss all of Plaintiff's claims against U.S. Bank with prejudice and on the merits;

b. Award U.S. Bank all costs, disbursements, and reasonable attorney fees allowed by law; and

1 c. Grant U.S. Bank any such further relief to which it may be entitled.

2
3 Dated: December 9, 2024

**FAEGRE DRINKER BIDDLE &
REATH LLP**

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5
6 By: /s/ Andrew S. Ayala
Andrew S. Ayala
7 Attorneys for Defendant
U.S. Bank National Association

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